IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1477 of 2000

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/07/2000 in WP NO : 5435 OF 1997 on the file of the High Court.)

Between:

The APSRTC Rep.by its Depot Manager,Kamareddy Depot Nizamabad Dist.

..... APPELLANT

AND

1 M.Lakshminarayana S/o.M.Siddaiah
R/o.H.No.9-123,Ramayampet,Near Sitaiah Temple Medak

Dist.

2 The Labour Court-II Hyderabad
Rep.by its Presiding Officer

.....RESPONDENTS

Counsel for the Appellant:MR.V.T.M.PRASAD (S.C.FOR APSRTC)

Counsel for the Respondent No.1: MR.SADURAJESWARA REDDY

The Court made the following :

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WRIT APPEAL NO : 244 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/07/2000 in WP NO : 5435 OF 1997 on the file of the High Court.)

Between:

M.Lakshminarayana S/o.M.Siddaiah
E-35061,R/o.H.No.C-29(2),Suryanagar colony Near Mukund Theatre,Station Road
Medchal,R.R.District

..... APPELLANT

AND

1 The Labour Court-II Hyderabad
Rep.by its Presiding Officer

2. The Depot Manager, APSRTC, Kamareddy

.....RESPONDENTS

Counsel for the Appellant:MR.SADURAJESWARA REDDY

Counsel for the Respondent No.2: V.T.M.PRASAD

The Court made the following :

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TMK,J & SAR,J

W.A.NOS.1477 OF 2000 AND 244 OF 2002

COMMON JUDGMENT (Per SAR,J)

These two writ appeals are filed by the Andhra Pradesh Road Transport Corporation (for short 'the Corporation') represented by its Depot Manager, Kamareddy Depot, as well as by the workman, aggrieved by the order of the learned single Judge dated 13.7.2000 in W.P.No.5435/1997, in partly modifying the award of the Labour

Court in I.D.No.421/1992 dated 19.6.1996.

2. The brief facts are that the workman while working as Driver in the Corporation, caused an accident, which resulted in the death of one person. Therefore, disciplinary proceedings were initiated against him and ultimately his services were terminated, which was the subject matter of the I.D. before the Labour Court. The Tribunal by its award set aside the order of removal and directed fresh appointment in favour of the workman, denying the past service. When the said award was questioned in the writ petition, the learned single Judge of this Court allowed the same in part and directed the Corporation to reinstate the petitioner without back-wages, instead of fresh appointment as directed by the Labour Court. Therefore, both the workman as well as Corporation aggrieved by the said order, have come up in the present appeals.

3 . The learned counsel for the Corporation contended that as the workman caused accident, which resulted in death of an individual, he is not entitled for any relief of reinstatement as ordered by the learned single Judge.

4. The learned counsel appearing for the workman contended that as the workman was acquitted in the criminal case, which was instituted pursuant to accident, he should be put back in the same position as he was, before his removal and he is also entitled to all the benefits including back wages and the denial of the back wages is not proper and just.

5. Heard both the sides and considered the material on record.

6. We have gone through the material on record. We do not find any

illegality in denying the back wages and ordering continuity of service. The continuity of service as ordered by the learned single Judge shall be counted only for the purpose of terminal benefits. The period during which the workman was out of service, shall not be counted for increments.

7. In fact, by an earlier order, a Division Bench of this Court directed the Corporation to pay the terminal benefits by granting continuity of service.

8. It is represented that the said order has not been complied with.

9. Corporation is, therefore, directed to comply with the said order and pay the terminal benefits within a period of six weeks from the date of receipt of a copy of this judgment.

10. The order of the learned single Judge is accordingly modified to the extent indicated above and the writ appeals are accordingly disposed of. No costs.

T.MEENAKUMARI,J

S.ANANDA REDDY,J

AVS/TJS

DATE:02.02.2005

To

1 The Labour Court-II Hyderabad
Rep.by its Presiding Officer

2 The Labour Court-II Hyderabad
Rep.by its Presiding Officer

3. The Depot Manager, APSRTC, Kamareddy.

4. Two C.D. copies.